

### REMARKS

Claims 1-20 were pending in the application. Applicants have cancelled claim 1, amended claims 2, 4; 7-8, 11, 12 and 13 and added new claim 21. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

1. Allowable Subject Matter

Applicants wish to thank the Examiner for indication of the allowable subject matter of the application. The Examiner indicated allowance of claims 14-20. The Examiner objected to claims 4-6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 4 to place in proper independent form. Claims 5-6 depend directly or indirectly from claim 4, respectively. Furthermore, claims 5-6 may contain additional patentable subject matter not discussed herein. Allowance of claims 4-6 is respectfully requested.

2. Rejections under 35 U.S.C. § 112, second paragraph

Claims 7-10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner indicates the recitation "the planting unit" in claims 7 and 8 lacks proper antecedent basis. Also in claim 7, the recitation "the inhibiting assembly" lacks proper antecedent basis. In claim 8, the recitation "the cap assembly" lacks proper antecedent basis. Applicants

have amended claims 7 and 8 to provide the proper antecedent basis.

Withdrawal of the rejections is respectfully requested.

3. Rejections under 35 U.S.C. § 103(a)

Claims 1-3 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,872,785 to Schrage et al. in view of U.S. Patent No. 5,517,932 to Ott et al. Applicant canceled claim and added new claim 21.

New claim 21 recites:

A seed planting assembly for forming a furrow, delivering seeds into the furrow, and closing the furrow, the assembly comprising:

at least one planting unit including:

- A. a furrow opening assembly operable to create a furrow;
- B. a metering assembly operable to receive seeds and deliver seed into the furrow under forced air pressure, wherein the metering assembly includes an air inlet; and
- C. a furrow closing assembly disposed downstream of the furrow opening assembly operable to close the furrow;

a conduit having a first end and a second end, the second end in removeable communication with the meter assembly;

an air moving assembly including an air moving unit coupled to the first end of the conduit; and

a conduit having a first end and a second end, the second end disposed at the meter assembly, the second end in removeable communication with the meter assembly;

an air moving assembly including an air moving unit coupled at the first end of the conduit; and

an air blocking assembly comprising a seal configured to prevent air flow through at least a portion of the conduit, the seal engaged against the second end of the conduit when the conduit is not connected to the metering assembly. (emphasis added).

Claim 21 positively recites the structural limitation of an air blocking assembly comprising a seal, "the seal engaged against the second end of the conduit when the conduit is not connected to the metering assembly." None of the cited references teach or suggest an air blocking assembly comprising a seal configured to prevent air flow through at least a portion of the conduit, the seal member engaged against the second end of the conduit when the conduit is not connected to the metering assembly.

Schrage et al. discloses a shut off means for an air-actuated planter. The planter includes an air fan means 24 in communication via a Y-shaped manifold connector 38 with an elongated cylindrical air manifold 26. (col. 2, lines 23-24). Placed on either side of the air fan means 24 within the elongated cylindrical manifold 26 are air valves 40. (col. 2, lines 25-27). A connector flange 42 provides attachment with a Y connector 30. (col. 2, lines 27-29). Within the connector flange 42 is a valve mechanism 45 that includes a shaft 46 with a flat end portion 48 attached to a circular butterfly valve element 50. (col. 2, lines 29-34).

Ott et al. discloses a row crop planting unit 10 that includes a frame 16 that supports a seed hopper 18 and a granular pesticide hopper 20 (column 2, lines 20-22). The seed in the seed hopper 18 is directed to a seed meter 22

which controls the rate of application of the seed (column 2, lines 22-24). The seed is taken from the seed meter by seed tube 24 and directed to a furrow formed by furrow opener 26 (column 2, lines 24-26). Gauge wheels 28 control the depth of the furrow formed by the furrow opener. A pair of closing wheels 32 are rotatably mounted to the frame 16 (column 2, lines 37-38). The closing wheels 32 are located directly behind on either side of the furrow formed by the furrow opener 26 (column 2, lines 38-39).

Per the telephone interview with the Examiner on May 12, 2004 (See Interview Summary), Schrage et al. and Ott et al. do not teach or suggest an air blocking assembly comprising a seal or sealing member engaged against the second end of the conduit, when the second end of the conduit is not connected to the metering assembly. A further review of the other cited references of record fails to teach or suggest this limitation. Allowance of claim 21 is respectfully requested.

Claims 2-3 and 7-13 depend directly or indirectly from claim 21 and are believed allowable for the same reasons that claim 21 is allowable. Claims 2-3 and 7-13 may also recite additional patentable subject matter not described herein.

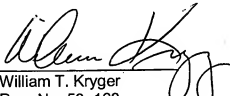
### CONCLUSION

It is submitted that claims 2-21 are in compliance with 35 U.S.C. § 103 and defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

Should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment, to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



William T. Kryger  
Reg. No. 53, 163

Dated: May 12, 2004  
BOYLE, FREDRICKSON, NEWHOLM,  
STEIN & GRATZ S.C.  
250 Plaza, Suite 1030  
250 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 225-9755  
Facsimile: (414) 225-9753